OP 2

U.S. Department of Justice
National Institute of Justice

nij

International Summaries
A Series of Selected Translations in Law Enforcement and Criminal Justice

NEWARK PUBLIC LIBRARY

OCT 29 1980

U. S. GOVT. PUBS.
DEPOSITORY 376

ncjrs National Criminal Justice Reference Service

NCJ-78586

Open Prisons and Recidivism

Following a critique of traditional means of computing recidivism, the authors assess the effectiveness of West Germany's open prisons.

By Werner Ruether and Wolfgang Neufeind

The new West German code of correctional procedures that went into effect in early 1977 set the following goal for the penal system: during imprisonment, prisoners should learn to assume social responsibility so that they can lead a life free of crime after release. The accomplishment of this goal in the correctional system can be evaluated through the use of an accurate method for determining the rate of recidivism.

The recidivism rate has been determined for years by computing the percentage of repeat offenders among the total prison population every March 31. For years, the officially accepted figure for recidivism has remained at 70 to 80 percent. However, this method shows its weaknesses in the fact that, if the courts attempt to keep minor first offenders out of jail by opting for alternative penalties, the percentage of repeat offenders in prison (and hence, the rate of recidivism) will appear to increase. In fact, it can even be argued that the recidivism rate as it is calculated presently will decrease only if more first-time offenders are sent to prison in the future. A better method of computing the rate of recidivism would involve a study of ex-offenders to see whether and to what extent they commit new crimes.

The Analysis of Recidivism

Like any kind of criminal activity, repeat offenses may be defined in terms of two criteria. First, the offender's behavior must be considered deviant from society's legal norms (behavioral aspect). Second, the offender's behavior must have provoked an official penal sanction (labeling—both socially and judicially).

With respect to these two criteria, offenders who have served previous jail terms are especially prone to commit further offenses. In the first place, experts generally agree that the traditional penal system that aims at retribution, security, and order is not in a position to put an end to patterns of criminal behavior; in fact, such patterns are merely reinforced (behavioral aspect). Second, ex-prisoners are more conspicuous to the authorities and are more likely to be investigated on future occasions (labeling aspect).

Behavior and labeling influence each other. A prisoner who has been released from an institution that does not work toward reintegration into society, but which reinforces criminal behavior patterns, will carry the official stigma of being a criminal, and this stigma will, in turn, affect his own view of himself and his behavior. Under such conditions, a high rate of recidivism for ex-inmates of traditional prisons is viewed as "normal."

Possible Influence of Open Prisons on the Lowering of the Recidivism Rate

Do institutions exist that already fulfill the requirements of the new German code? To what extent can

"Offener Vollzug und Rueckfallkriminalitaet" (NCJ 60591) originally appeared in Monatsschrift fuer Kriminologie und Strafrechtsreform, v. 61, n. 6, December 1978, pp. 363-376. (Carl Heymanns Verlag, KG, Gereonenstrasse 18-32, 5 Cologne 1, West Germany) Translated from the German by Sybille Jobin.

J28.16:

such institutions be expected to affect the rate of recidivism? The open prison may be anticipated to:

- exert a positive influence on the behavioral patterns of the inmate and bring about the acquisition of socially acceptable behavior through social training; result: the client actually behaves less like a criminal;
- exert a positive influence on those with whom the prisoner comes into daily contact and promote a greater understanding on the part of the population at large for that which is considered to be deviant behavior through numerous direct contacts with inmates; result: patterns of criminal behavior will not be reinforced through labeling; and
- exert a positive influence on the attitudes of the authorities both during a term and after its completion (e.g., in decisions affecting pardons, probation, and sanctions for recidivism).

In order to test these assumptions, a comparison of the recidivism rates for open and closed prisons in Germany was conducted.

The group of offenders under study was in prison in 1972 and 1973. The distinguishing features of the open prison inmates were: (a) unrestricted movement within the confines of the facility, (b) vacations to visit friends or family, (c) absences from the facility for up to 12 hours and attendance at public events in the company of employees in civilian clothing, (d) correspondence without surveillance, (e) work outside the facility with or without supervision of the employer, and (f) attendance in educational or professional training programs outside the facility (in civilian clothing). On the whole, the conditions in the open prisons were intended to reduce the likelihood of recidivism by counteracting the negative effects of imprisonment, such as social isolation.

In determining the relationship between the type of confinement and recidivism, a variety of psychological and social factors (e.g., home situation, job training, social contacts) that may affect a prisoner's postrelease behavior must be considered. In addition, the methods by which offenders are selected for either the open or closed prisons may affect official rates of recidivism.

Results of the Preliminary Investigation (Analysis of Inmates' Records)

The goal of this investigation was to answer the following questions: (1) Which factors determine the official recidivism figures? and (2) What is the influence of the form of confinement (closed, partially open, open) on these figures? In 1976, the pilot study described below was conducted to formulate some working hypotheses.

The Selection of the Study Group

The pilot study surveyed prisoners released from facilities in the German state of Nord-Rhein-Westphalen in 1973. The chief limitation in selecting the prisoners was that special facilities that assign prisoners to various types of prisons did not come into existence in Nord-Rhein-Westphalen until 1971/72. Since the selection strategies of these facilities were particularly pertinent to the study, the study had to be limited to 5 years (1971 to 1976): 2 years of confinement time (1971 to 1973) and 3 years of post-confinement time (1973 to 1976). As a result, only a limited number of prisoners could be included in the study. The records of 50 prisoners (25 selected by the selection facilities; 25 not selected by these facilities) were requested from each of four facilities. Each facility represented a particular form of confinement: Castrop-Rauxel (open prison), Bielefeld (partially open), Remscheid (medium security, closed), and Rheinbach (maximum security, closed). Although the facilities could not send the exact numbers of records requested, in three cases the quantity received was very close (within four prisoners); however, in the case of the maximum security prison, only 28 records were available.

In terms of age, family situation, type of offense, length of sentence, and previous convictions, the sample may be viewed as representative for the prison population in this state, where repeat offenders (main crime: larceny, with an average sentence of 3 to 5 years) make up the largest part of the inmates. The data for these factors in the study group match those of the official correction statistics for 1973.

General Recidivism Rates

Of our sampling, 83 percent had served at least one earlier sentence in a correctional facility; 91 percent had one or more previous convictions. These figures were determined according to the official computing method for the sampling day of March 31, 1973.

The penal register for 1976 indicated that 50 percent of released prisoners had been convicted for new crimes, but only 30 percent of these were sentenced to correctional facilities without probation. These figures indicate that the recidivism rate is lower than the generally assumed 70-80 percent.

Detailed Analysis of Relationships

What is the reason for the relatively low recidivism rate? One explanation may be found in changes in criminal policy that tend to reduce the number of jail terms without probation. However, changes in behavioral patterns resulting from changes in the correctional facilities may also have caused a reduction in recidivism.

In order to explore the latter possibility, the material was reviewed to determine the connections between officially registered recidivism and any special characteristics of the study group of prisoners. The factors considered in this respect were, for example, social origins, childhood social relationships, upbringing, education, profession, social position, social contacts, place of residence, leisure activities, early criminal activity, and personality.

Social and psychological characteristics and the official rate of recidivism. The social and psychological characteristics were broken down into biographic criteria (e.g., previous social and criminal behavior, social origins, parents, brothers and sisters, age, length of confinement, intelligence) which are relatively permanent, and dynamic criteria (e.g., location of job, job training, social contacts, residence), which may be altered through therapy and changes in lifestyle. According to our figures, the official rate of recidivism was significantly related to

- Previous criminal activities (significant factors: number and length of the earlier terms of confinement). Of those without previous jail terms, 77 percent remained free of new convictions, while 50 percent of those with one to four previous terms and 39 percent of those with five or more previous terms remained free.

- Social contacts (significant factors: home situation, visits while confined). Of those ex-offenders who remained free of new convictions, 64 percent were married, 68 percent lived with their parents, 50 percent lived with another person, 35 percent lived alone, and 35 percent were divorced or separated. In addition, of the nonrecidivist group, 31 percent had received no visits, 52 percent had received between 1 and 10 visits, and 57 percent had received more than 10 visits.

All other variables examined demonstrated either no connection to officially registered recidivism or only a vague relationship requiring further study in a broader survey. Of the factors considered above, social contact is a behavioral aspect (rather than an aspect of judicial reaction) that is open to alteration, but previous convictions constitute a static, invariable criterion.

Type of correctional facility and officially registered recidivism. We compared the overall recidivism rates for all four of our representative types of correctional facilities. The results indicated a remarkable similarity in the figures: a recidivism rate of 44 percent for the open facility (Castrop-Rauxel), 44 percent for the partially open facility (Bielefeld), and 48 percent for the medium-security closed facility (Remscheid). Only the maximum-security closed facility (Rheinbach) had a recidivism rate within the officially accepted range (74 percent).

Influence of particular recidivism criteria (for example previous crimes) on the selection of prisoners for the different facilities. The figures given above are not indicative as such of the reformative success of the individual correctional facilities. To determine this success, a closer analysis of the makeup and selection of the prison population in each facility was required to see whether prisoners' particular social and psychological characteristics related to recidivism also play a part in the assignment of offenders to a particular correctional facility.

An investigation was made to determine whether an offender's assignment to a particular type of facility was influenced by earlier jail sentences. Statistics showed that the maximum security facility (Rheinbach) received a particularly high proportion of offenders with previous convictions, as well as with unfavorable social and psychological characteristics. The medium security facility (Remscheid) and the partially open facility (Bielefeld) received the highest number of first-time offenders. Surprisingly, the open prison (Castrop-Rauxel) showed a substantial number of repeat offenders. As a result, it can be concluded that the lack of previous convictions is not a criterion for assigning an offender to the open prison. In view of the high number of repeat offenders in the open prison (Castrop-Rauxel), the similar recidivism rates of Castrop-Rauxel, Remscheid, and Bielefeld (approximately 45 percent for each) are all the more striking and might imply that the open facilities do indeed have positive effects.

When one considers the types of sanctions against those who committed new crimes after their release, one can detect a significant relationship to the form of previous confinement. Recidivists released from the more open facilities tended to be sentenced to fines and probation rather than to prison terms: this was true for 67 percent of those released from the open facility, for 50 percent from the partially open, and for 33 percent from the medium security closed facility. Two explanations are possible: (1) offenders' behavior is changed

READEX FICHE best copy available

in the more open facilities and they become, in fact, less criminally inclined (behavioral aspect), or (2) they are less likely to be defined as criminals (labeling aspect).

The type of new offense can serve as a rough indication for the behavioral aspect. In the 83 cases of recidivism surveyed, the two most common crimes were larceny (43 cases) and traffic violations (17 cases). It became clear that the type of crime influences the type of sanction: 36 of the larceny cases resulted in confinement without probation, compared to only 2 of the traffic-related cases. Larceny is more likely to be punished with imprisonment, while traffic violations usually result in fines or probation.

For the group of crimes involving larceny, the influence of the form of previous confinement was investigated. Of the seven cases involving new offenses punished with probation and fines, five offenders had been previously confined in the open facility. Thus, while those released from the other facilities were imprisoned once again, those released from the open facility either committed less serious offenses (behavioral aspect) or they were successful in having their crimes considered less significant (judicial reaction).

Conclusion

In summary, it can be assumed that both aspects are at work. Open facilities appear to discourage the hardening of criminal behavior; at the same time it appears that those who, by some criteria or other, were privileged to be sent to open facilities received the same or similar privileges when investigated or tried for new criminal activities. As a result, the hypothesis—which will have to be tested again—is that open facilities both select and produce clients with a reduced potential for recidivism.

The results also indicate that the length of confinement in closed prisons has an important effect on recidivism. The longer the period spent in such institutions, the higher the rate of recidivism: 60 percent of those confined up to 5 months committed no further crimes, compared to 54 percent confined for 6 to 17 months and 42 percent confined over 48 months.

Open doors alone are certainly not the panacea. Detailed selection programs and organizational plans will be necessary. As far as actual practice is concerned, the state of Nord-Rhein-Westphalen seems to be on the right general course. In order to advance from assumption to certainty, however, a broader investigation will have to follow this pilot study.

GPO 893-253